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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,406	08/12/2005	Yukihiro Abe	10404/17	9966
23838	7590	01/30/2008		
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005				
			EXAMINER	
			EDWARDS, NEWTON O	
			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			01/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10518406	8/12/2005	ABE ET AL.	10404/17

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER

N Edwards

ART UNIT	PAPER
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1794.

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DATE MAILED:

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Commissioner for Patents

Non-Responsive Action.

N Edwards
Primary Examiner
Art Unit: 1794

1. The reply filed on 1/9/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to respond to the election of species requirement state that **"Applicant believes this (election of species) is improper in a nation stage applicant. The rules for Unity of Invention apply to this application and a species election is not a part of this practice"**.

2. Applicant is in clear error since 1) applicant made no election and 2) the Lack of Unity was held under PCT rule13 in which rule 13.3 provide for alternatives with a single claim which is other wise known as election of species. Hence, **if group I is elected Applicant is required to elect a single disclosed species for claims 3 and 4 for examination** or face abandonment of this case. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).